

REMARKS

This is a full and timely response to the non-final Office action mailed March 1, 2007. The period for response has been extended by one month by the enclosed Petition for Extension of Time. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-3 and 6-12 remain pending in this application, with Claim 1 being the sole independent claim. Claim 1 has been cosmetically amended herein to correct a minor error. No new matter is believed to have been added.

Rejections Under 35 U.S.C. § 103

Claims 1-3, 6, 7, and 10-12 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent Nos. 4,313,524 (Rose) and 5,945,643 (Casser), and U.S. Patent Application Publication No. 2005/0126848 (Siavoshai et al.); and Claims 8 and 9 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Rose, Casser, Siavoshai et al., and U.S. Patent No. 4,313,524 (Haas et al.). These rejections are respectfully traversed.

Independent Claim 1 relates to an integrated noise suppression acoustic panel that includes a bulk foam absorber disposed between a back plate and a perforated face plate, and recites, inter alia, the bulk foam absorber comprising a thermoset material and having a density gradient between the first side and second side, wherein the density of the bulk foam absorber at the first side is greater than the density of the bulk foam absorber at the second side.

Rose relates to a bulk acoustic absorber, and discloses a structure that includes open cell foam disposed between a back plate and a face plate. Casser relates to a vibration dampening material and was applied in the Office action against independent Claim 1 for allegedly disclosing the use of a thermoset material. Siavoshai et al. relates to a sound insulating system that includes a barrier layer disposed between two sound absorbing layers, and was applied in the Office action against independent Claim 1 for allegedly disclosing a density gradient in the sound absorbing layers. While not conceding that the combination of Rose, Casser, and Siavoshai et al. suggest the combination alleged in the Office action, Applicants have nonetheless submitted herewith a Declaration Under 37 C.F.R. § 1.131 that disqualifies Siavoshai et al. as prior art.

As indicated in the Declaration, Applicants reduced to practice a foam bulk absorber comprising a thermoset material and having a density gradient between the first side and second side, wherein the density of the bulk foam absorber at the first side is greater than the density of the bulk foam absorber at the second side, as recited in independent Claim 1. It is noted that the Declaration clearly states that the foam bulk absorber samples were not disposed between a back plate and a face plate. However, placing a foam bulk absorber between a back plate and a face plate was well-known at the time of the instant invention. It is well-settled that if the differences between the claimed invention and the evidence submitted under 37 CFR 1.131 would have been obvious to one of ordinary skill in the art, in view of the 37 CFR 1.131 evidence, prior to the effective date of an applied reference, then such evidence is sufficient. This is because possession of what is shown carries with it possession of variations and adaptations which would have been obvious, at the same time, to one of ordinary skill in the art. See M.P.E.P. § 715.02. As such the Declaration establishes possession of the basic inventive concept (i.e., use of a thermoset foam bulk absorber having a density gradient in a noise suppression acoustic panel) before October 31, 2003. In re Spiller, 500 F.2d 1170, 182 USPQ 614 (CCPA 1974).

In view of the foregoing, it is submitted that the Declaration Under 37 C.F.R. § 1.131 included herewith disqualifies Siavoshai et al. as prior art under 35 U.S.C. § 102. As such, the rejection under 35 U.S.C. 103 in view of the combination of Rose, Casser, and Siavoshai et al. is no longer applicable, and its withdrawal is hereby requested.

As to Haas et al., this reference has been reviewed and is not understood to make up for at least the above-noted deficiencies of the other references.

In view of the foregoing, Applicants request reconsideration and withdrawal of all of the § 103 rejections.

Conclusion

Based on the above, independent Claim 1 is patentable over the citations of record. The dependent claims are also deemed patentable for the reasons given above with respect to the independent claim and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: June 29, 2007

By: /PAUL D. AMROZOWICZ, REG. NO. 45264/
Paul D. Amrozowicz
(480) 385-5060